



PATENT  
ATTY. DOCKET NO.: P67397US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Allan TANGHOJ, et al.

Group Art Unit: 3767

Serial No.: 10/026,819

Examiner: Gilbert, Andrew M.

Filed: December 27, 2001

For: URINARY CATHETER ASSEMBLY ALLOWING FOR NON-CONTAMINATED  
INSERTION OF THE CATHETER INTO A URINARY CANAL

***TERMINAL DISCLAIMER SUBMISSION***

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As requested by the Examiner by telephone on February 23,  
2007, Applicants hereby submit a Terminal Disclaimer with requisite  
fee in connection with the captioned application.

Serial No.: 10/026,819  
Atty. Docket No.: P67397US0

**REMARKS**

In the Office Action mailed March 15, 2006 (Paper No. 03082006), the Examiner provisionally rejected claims 1, 3, 4, 7, 16, 21-23, 26, 27, 29, 32-34, 41, 60, 62-64, 67, 68 and 70-72 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending patent application, Serial No. 10/482,229, and claims 73-75 and 78-88 of co-pending patent application, Serial No. 10/183,984. Both of these co-pending applications are to Tanghoj et al. ("the Tanghoj applications"). At that time, Applicants requested that the Examiner defer resolution of this provisional rejection pending the identification of allowable subject matter.

By telephone conference with Applicants' representative on February 23, 2007, the Examiner indicated that, contingent upon the results of an updated search, the captioned application would be in condition for allowance upon the filing of an acceptable terminal disclaimer. The Examiner also indicated that with respect to the Tanghoj applications, the provisional nonstatutory obviousness-type double patenting rejection on the basis of Serial No. 10/183,984 was being withdrawn in view of the claims as ultimately allowed therein. Accordingly, the Examiner only

Serial No.: 10/026,819  
Atty. Docket No.: P67397US0

required a terminal disclaimer in connection with Serial No. 10/482,229, as provided herewith.

With the foregoing remarks and enclosed terminal disclaimer, the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By *Harvey B. Jacobson, Jr.* Reg. No. 40,495  
for Harvey B. Jacobson, Jr.  
Reg. No. 20,851

400 Seventh Street, NW  
Washington, D.C. 20004-2201  
Telephone: (202) 638-6666  
Date: February 27, 2007  
HBJ:SCB  
R:\SBAILEY\2007\02-07\P67397US.rsp



PTO/SB/25 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

P67397US0

In re Application of: Allan TANGHOJ, et al.

Application No.: 10/026,819

Filed: December 27, 2001

For: URINARY CATHETER ASSEMBLY ALLOWING FOR NON-CONTAMINATED INSERTION OF THE CATHETER INTO A URINARY CANAL

The owner\*, COLOPLAST A/S, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/482,229, filed on December 29, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 20,851

Signature

February 23, 2007

Date

Harvey B. JACOBSON, Jr.

Typed or printed name

202-638-6666

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

02/28/2007 SZEWDIE1 00000114 10026819

01 FC:1814

130.00 0P

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.